



PATENT  
10/037,347

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Antonacci, Paul ) Attys Docket: 2000-1550-CIP  
Serial No.: 10/037,347 ) Group Art: 3727  
Filed: 10/23/2001 )  
For SIDE-SEALED BAG HAVING LABEL SECTION AND  
METHOD OF PRODUCTION THEREFOR

RECEIVED  
AUG 08 2004  
TECHNOLOGY CENTER R3700

**RESPONSE TO INTERVIEW SUMMARY MAILED JULY 2, 2004 AND RESULTING  
FROM A SERIES OF TELEPHONE CONFERENCES  
DATED MAY 25, 2004, JUNE 9, 2004, AND JUNE 28, 2004 BETWEEN EXAMINER PAUL  
DURAND AND ATTORNEYS ASHISH D. PATEL AND BARRY E. KAPLAN**

MS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Myers & Kaplan, L.L.C.  
Intellectual Property Law  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339

July 26, 2004

Dear Sir:

On or about May 25, 2004, June 9, 2004 and June 28, 2004, Applicant's attorneys, Ashish D. Patel (50,177) and Barry E. Kaplan (38,934), held a series of telephone conferences with Examiner Paul Durand in connection with the above-referenced application, thus resulting in Examiner Durand issuing the present Interview Summary mailed on July 2, 2004, to which Applicant provides the following statement of the substance of same.

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail with sufficient postage in an envelope addressed to: MS: Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

7-26-04  
(Date)  
Cynthia Pilato  
(Name of Person Mailing)  
(Signature of Person Mailing)  
7-26-04  
(Date)

Applicant respectfully notes the following:

- 1) No exhibit was shown, nor was any demonstration conducted.
- 2) All pending claims were discussed.
- 3) The following prior art was discussed: U.S. Patent No. 5,385,766 to Ferre, and U.S. Patent No. 2,774,402 to Wikle.
- 4) Applicant's attorneys and Examiner Durand discussed the cite prior art and amending Applicant's claims to clarify and/or distinguish (1) the differences between Applicant's film/label section from the "print band" disclosed in Ferre; and, (2) the meaning, function and differences of Applicant's thermoplastic sealing strips in view of the "glues" disclosed in Wikle.
- 5) To distinguish Applicant's bag from that disclosed in Ferre and Wikle, Applicant presented Examiner with the following arguments: (a) Ferre discloses a net bag formed by a tubular mesh body 2 comprising a plastic band 30 overlying and welded to the exterior of body 2 via welds 26 and bottom weld line 20, wherein band 30 is "suitable for containing labels or the like 40". Applicant asserted, as is evident and clearly presented in Ferre, that the plastic band 30 of Ferre is a piece of film folded so as to form a sachet or envelop, which may be welded to the exterior of the Ferre mesh bag, and a label/advertisement slid or placed therewithin; (b) the Ferre bag configuration, and method of producing a bag with label section, is impractical, as it wastes material; that is, because the Ferre plastic band 30 overlays a mesh body 2, the mesh material directly under plastic band 30 is wasted; (c) Applicant's bag avoids such a configuration by heat sealing the edges of Applicant's mesh portions to the opposing edges of a film portion, and forming an enclosure or bag from a

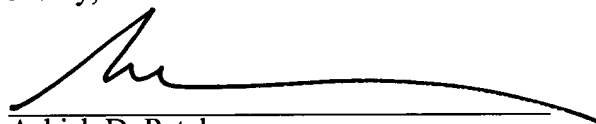
combination of such mesh and film portions, wherein Applicant further proposed amendments to include such limitations; (d) that the Wikle patent does not, anywhere in the specification or claims, teach, disclose or claim a “sealing strip” of any sort; (e) that the only methodology of bag sealing disclosed in Wikle is that of “gluing, heat sealing, or other processes common in the bag-making art”; (f) that Applicant’s thermoplastic sealing strips, as claimed and disclosed in Applicant’s originally presented specification, are not glues, and were further, not common in the bag-making art as practiced in 1956 (i.e., the date of issuance of the Wikle patent); (g) that Applicant’s thermoplastic sealing strips are, in fact, a mechanical element not disclosed in Wikle; (h) that Applicant’s thermoplastic sealing strips are actually solid strips of film utilized to seal or fuse opposing edges of Applicant’s bag - and more specifically, to seal or fuse the open/mesh thermoplastic fabric of Applicant’s bag; (i) that the open spaces of Applicant’s mesh material would make application of “glues”, liquid or powder, as a sealing means, impractical and futile, as such “glues” would simply leak through the open spaces of Applicant’s mesh fabric; (j) that Wikle recognizes that such glues can only be utilized on solid, smooth, or “closed” bag materials, and not the perforated portions 12 and 12’, as Wikle states “the smooth edges or border portions [10] of the bag, are fastened together by gluing, heat sealing, or other processes common in the bag-making art”; (k) that Wikle does not teach Applicant’s thermoplastic sealing strips; and, (l) that Applicant believes the incorporation of thermoplastic sealing strips into the independent claims would result in allowable claims.

- 6) Examiner stated that he would still need to conduct another search to determine patentability of the claims in view of the above-referenced proposed amendments and arguments.
- 7) An agreement was not reached with respect to the claims, other than as discussed hereinabove.

Applicant has appended a copy of Examiner's Interview Summary mailed on July 2, 2004 to supplement Applicant's above-presented Interview Summary.

The herein statement of the substance of the telephonic interview pursuant to MPEP Section 713.04 is believed to be complete and responsive to the series of telephone conferences of May 25, 2004, June 9, 2004 and June 28, 2004, between Examiner Durand and Applicant's attorneys, Ashish D. Patel (50,177) and Barry E. Kaplan (38,934), which resulted in the present Examiner's Interview Summary mailed on July 2, 2004. If, however, Examiner feels that this statement is not complete, Applicant's attorney respectfully requests notification thereof to rectify any deficiencies.

Respectfully submitted, this 26<sup>th</sup> day of July, 2004.



Ashish D. Patel  
Attorney for Applicant  
Reg. No. 50,177

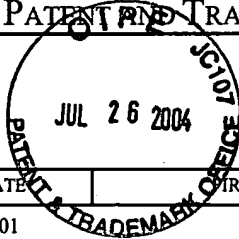
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# UNITED STATES PATENT AND TRADEMARK OFFICE

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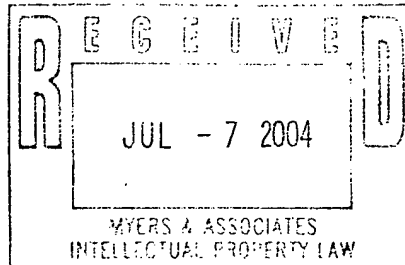
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,347	10/23/2001	Paul Antonacci	2000-1550-CIP	6459

30184 7590 07/02/2004

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SUITE 310  
ATLANTA, GA 30339



EXAMINER

DURAND, PAUL R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 07/02/2004

DOCKETED

7-13-04  
8-2-04

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
AUG 03 2004  
TECHNOLOGY CENTER R0700



## Interview Summary

Application No.	Applicant(s)	
10/037,347	ANTONACCI, PAUL	
Examiner	Art Unit	
Paul Durand	3721	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Paul Durand. (3) \_\_\_\_\_  
(2) Ashish Patel. (4) \_\_\_\_\_

Date of Interview: 6/9/2004.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: All.

Identification of prior art discussed: Ferre and Wike.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

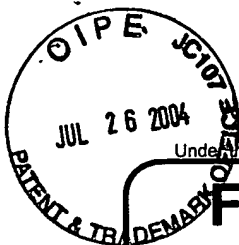
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant disagrees with the use of the references of Ferre and Wikle. The applicant first asserts that the reference of Ferre uses an envelope section that is folded and applied to the bag by welded portions 26. The applicant stated that their invention is not secured to the bag section in that manner and also uses less material. Applicant also disagrees with the use of the reference of Wikle in the reference does not teach the novelty of the applicant's invention, which is the use of thermoplastic sealing strips as opposed to regular adhesive. The use of thermoplastic sealing strips fuses the material together as opposed to adhering the material. Applicant asserts that this novelty is new in the art since it reduces manufacturing costs and provides a more durable seal on the bag. Applicant proposes adding the limitation of the thermoplastic sealing strip found in a dependant claim to the independent claims. Applicant was advised by the examiner that the addition of the limitation to the independent claims would require a further search to determine patentability and that any arguments in regard to the references would be considered..



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 110.00

## Complete if Known

Application Number 10/037,347  
Filing Date 10/23/2001  
First Named Inventor Antonacci, Paul  
Examiner Name Durand, Paul R.  
Art Unit 3727  
Attorney Docket No. 2000-1550-CIP

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TECHNOLOGY CENTER R3700

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	160	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	Claims in excess of 20
		1201	86	Independent claims in excess of 3
		1203	290	Multiple dependent claim, if not paid
		1204	86	** Reissue independent claims over original patent
		1205	18	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	110.00
		1252	420	2252 210 Extension for reply within second month	
		1253	950	2253 475 Extension for reply within third month	
		1254	1,480	2254 740 Extension for reply within fourth month	
		1255	2,010	2255 1,005 Extension for reply within fifth month	
		1401	330	2401 165 Notice of Appeal	
		1402	330	2402 165 Filing a brief in support of an appeal	
		1403	290	2403 145 Request for oral hearing	
		1451	1,510	1451 1,510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,330	2453 665 Petition to revive - unintentional	
		1501	1,330	2501 665 Utility issue fee (or reissue)	
		1502	480	2502 240 Design issue fee	
		1503	640	2503 320 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
		1806	180	1806 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
		1801	770	2801 385 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 110.00

## SUBMITTED BY

Name (Print/Type) Ashish D. Patel, Esq. Registration No. 50,177 Telephone 770-541-7444  
Signature [Signature] Date 07-26-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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